

**Notice of Allowability****Application No.**

10/536,474

**Applicant(s)**

ISHIBASHI ET AL.

**Examiner**

RUTH C. RODRIGUEZ

**Art Unit**

3677

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 28 May 2008.
2. ☒ The allowed claim(s) is/are 13-15, 17 and 20-27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Meredith Struby on 09 September 2008.

The application has been amended as follows:

Claim 13, line 13, "an" has been replaced with --the--.

Claim 13, line 13, --of each flat base fabric-- has been inserted between "surface" and the comma.

Claim 17, "assumed to be" has been deleted in lines 4 and 6.

Claim 26, "assumed to be" has been deleted in lines 3 and 5.

Claim 27, "assumed to be" has been deleted in lines 3 and 5.

Claims 13-15, 17 and 20-27 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 13, Smirlock et al. (US 4,776,068) discloses a fiber-made surface fastener (12) comprising joining faces in which a plurality of fiber-made engaging elements (14) is provided on one surface of each flat base fabric (Fig. 3) and

another fiber-made surface fastener (12') comprising joining faces in which a plurality of fiber-made engaging elements (14) is provided on one surface of the each flat base fabric (Figs. 7-12). A joining face of at least one surface fastener member is composed of a plurality of fiber-made engaging elements distributed uniformly on an entire surface (Figs. 9 and 12). Smirlock fails to disclose that a ratio  $A/B$  of an area  $A$  of a range in which sound spectrum of a peeling-off sound Fourier-transformed in a range of 100 Hz to 15000 Hz is 100 Hz to 3000 Hz to an area  $B$  of a range in which sound spectrum of a peeling-off sound Fourier-transformed in a range of 100 Hz to 15000 Hz is 3000 Hz to 15000 Hz is 0.4 or more, that the apparent density of a base fabric of each of fiber-made surface fastener members which engage each other is 0.5 g/cm<sup>3</sup> or less and a sum of bending strength of base fabrics of male and female surface fastener members is 36 gf\*cm/2.5 cm or less when each base fabric is bent at 180° in a radius of 4.0 mm.. However, Japanese Patent Document JP 2- 226023 A (JP '023) (as described in the claims) teach observation of acoustic spectra on which Fournier transform has been-performed as a method for measuring noise. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to be able to observe acoustic spectra on which Fournier transform has been performed as a method for measuring noise measure as taught by JP '023 is used with the fasteners of Smirlock. However, such a combination still will not yield a ratio  $A/B$  of an area  $A$  of a range in which sound spectrum of a peeling-off sound produced when the joining faces of the surface fastener in an engaged state are peeled off Fourier-transformed in a range of 100 Hz to 15000 Hz is 100 Hz to 3000 Hz (for the embodiment of Figures 7-12)

to an with are B of a range in which the sound spectrum of a peeling-off sound produced when the joining faces of the surface fastener in an engaged state are peeled off area Fourier-transformed in a range of 100 Hz to 15000 Hz is 3000 Hz to 15000 Hz (for the embodiment of Figure 3) is 0.4 and that a sum of bending strength of base fabrics of male and female surface fastener members is 36 gf\*cm/2.5 cm or less when each base fabric is bent at 180° in a radius of 4.0 mm. Especially since a ratio A/B of 0.4 or more is required for base fabrics of a male and female surfaces fastener members with 36gf\*cm/2.5 cm or less when each fabric is bent at 180° in a radius of 4.0 mm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272-6987.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/RCR/  
Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
September 18, 2008

/Robert J. Sandy/  
Primary Examiner, Art Unit 3677